

ESTTA Tracking number: **ESTTA771603**

Filing date: **09/20/2016**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

## Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

### Opposer Information

Name	Skullcandy, Inc.
Granted to Date of previous extension	10/19/2016
Address	1441 W. Ute Blvd Suite 250 Park City, UT 84098 UNITED STATES
Attorney information	Christopher M. Dolan Barnes & Thornburg LLP One North Wacker Drive, Suite 4400 Chicago, IL 60606 UNITED STATES mballesteros@btlaw.com, cdolan@btlaw.com, enolan@btlaw.com, trademarks-ch@btlaw.com Phone:312.357.1313

### Applicant Information

Application No	86895456	Publication date	06/21/2016
Opposition Filing Date	09/20/2016	Opposition Period Ends	10/19/2016
Applicant	SHENZHEN AYAMAYA TECHNOLOGY CO.,LTD #317 BLK A, SOUTHERN INTERNATIONAL PLAZA SHENZHEN, GUANGDONG, CHINA		


### Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Carrying cases for cell phones; Cell phone auxiliary cables; Cell phone batterychargers; Cell phone battery chargers for use in vehicles; Earphones and headphones; Screen protectors comprised of acrylic, tempered glass and plastic adapted for use with portable electronic devices; Audio speakers; Carrying cases, holders, protective cases and stands featuring power supply connectors, adaptors, speakers and battery charging devices, specially adapted for use with handheld digital electronic devices, namely, cell phones; Protective covers and cases for cell phones, laptops and portable media players; Speaker microphones; Wireless indoor and outdoor speakers
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### Grounds for Opposition


Priority and likelihood of confusion	Trademark Act Section 2(d)
Dilution by blurring	Trademark Act Sections 2 and 43(c)
Dilution by tarnishment	Trademark Act Sections 2 and 43(c)


## Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3168754	Application Date	02/07/2006
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2003/01/12 First Use In Commerce: 2003/01/12 Devices for hands-free use of mobile phones; Digital audio players; Digital phones; Earphones; Headphones; MP3 players; Portable listening devices, namely, MP3players; Portable media players; Protective helmets; Protective helmets for sports; Sports helmets		


U.S. Registration No.	4622095	Application Date	12/28/2012
Registration Date	10/14/2014	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark			
Description of Mark	The mark consists of a stylized skull.		
Goods/Services	<p>Class 009. First use: First Use: 2005/04/15 First Use In Commerce: 2005/04/15 Audio speakers; portable speakers; speaker docks; dock speakers for mobile audio players; headsets for use with computers; audio equipment for use in connection with helmets, namely, speakers, headphones, earphones, and microphones that can be attached to or integrated into a helmet; cases for mobile phones and cell phones</p> <p>Class 025. First use: First Use: 2004/01/01 First Use In Commerce: 2004/01/01 Clothing, namely, jackets; outerwear, namely, coats, sweatshirts; socks; footwear</p> <p>Class 028. First use: First Use: 2012/09/13 First Use In Commerce: 2012/09/13 Headsets for use with game consoles and video games; audio and visual headsets for use in playing video games; gaming headsets adapted for use in playing video games</p> <p>Class 042. First use: First Use: 2012/09/17 First Use In Commerce: 2012/09/17 Custom design of products based on personal selections made by consumers, namely, devices for hands-free use of mobile phones, earphones, headphones, portable speakers, headsets for use with computers, game consoles and video games; custom design of products, namely, devices for hands-free use of mobile phones, earphones, headphones, portable speakers, headsets for use with computers, game consoles and video games based on personal selections made by consumers through the temporary use of a web-based software application</p>		
U.S. Registration No.	3168695	Application Date	01/10/2006
Registration Date	11/07/2006	Foreign Priority Date	NONE
Word Mark	SKULLCANDY		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2003/01/12 First Use In Commerce: 2003/01/12 Devices for hands-free use of mobile phones; [ Digital audio players; Digital phones; Earphones;] Headphones [; MP3 players; Portable listening devices, namely, MP3 players; Portable media players; Protective helmets; Protective helmets for sports; Sports helmets]

U.S. Registration No.	3726304	Application Date	07/30/2008
Registration Date	12/15/2009	Foreign Priority Date	NONE
Word Mark	SKULLCANDY		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 035. First use: First Use: 2003/03/01 First Use In Commerce: 2003/03/01 Retail store services, kiosks and online retail store services featuring devices for hands-free use of mobile phones, digital audio players, digital phones, earphones, headphones, MP3 players, portable listening devices, namely, MP3 players, portable media players, covers for portable media players, digital phones, earphones, and headphones, protective helmets, [ protective helmets for sports, sports helmets, watches, ] sacks or bags, namely, backpacks, messenger bags, all purpose sports and athletic bags, [ sunglasses, ] clothing and headwear, namely, t-shirts, sweatshirts, * and * hats[, and bandanas ]		

U.S. Registration No.	4622094	Application Date	12/28/2012
Registration Date	10/14/2014	Foreign Priority Date	NONE
Word Mark	SKULLCANDY		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 009. First use: First Use: 2005/04/15 First Use In Commerce: 2005/04/15 Audio speakers; portable speakers; speaker docks; dock speakers for mobile audio players; headsets for use with computers; audio equipment for use in connection with helmets, namely, speakers, headphones, earphones, and microphones that can be attached to or integrated into a helmet; cases for mobile phones and cell phones</p> <p>Class 025. First use: First Use: 2004/01/01 First Use In Commerce: 2004/01/01 Clothing, namely, jackets; outerwear, namely, coats, sweatshirts; socks; footwear</p> <p>Class 028. First use: First Use: 2012/09/13 First Use In Commerce: 2012/09/13 Headsets for use with game consoles and video games; audio and visual headsets for use in playing video games; gaming headsets adapted for use in playing videogames</p> <p>Class 042. First use: First Use: 2012/09/17 First Use In Commerce: 2012/09/17 Custom design of products based on personal selections made by consumers, namely, devices for hands-free use of mobile phones, earphones, headphones, portable speakers, headsets for use with computers, game consoles and video games; custom design of products, namely, devices for hands-free use of mobile phones, earphones, headphones, portable speakers, headsets for use with computers, game consoles and video games based on personal selections made by consumers through the temporary use of a web-based software application</p>


Attachments	<p>78809362#TMSN.png( bytes )  85982661#TMSN.png( bytes )  78788980#TMSN.png( bytes )  77534577#TMSN.png( bytes )  85982660#TMSN.png( bytes )  Notice of Opposition - SKULL BRO.pdf(242742 bytes )</p>
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## Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Christopher M. Dolan/
Name	Christopher M. Dolan
Date	09/20/2016

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

<b>Skullcandy, Inc.,</b>  <b>Opposer,</b>  <b>v.</b>  <b>Shenzhen Ayamaya Technology Co., Ltd.,</b>  <b>Applicant.</b>	<b>Opposition No.:</b> _____  <b>Mark:</b>    <b>U.S. Serial No.: 86/895,456</b>
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**NOTICE OF OPPOSITION**



Opposer, Skullcandy, Inc. (“Opposer”), a Delaware corporation with its principal place of business at 1441 Utc Blvd. Park City, Suite 250, Utah 84098, believes that it will be damaged by registration of the mark that is the subject of United States Trademark Application Serial No. 86/895,456 (“Opposed Mark”), filed in the name of Shenzhen Ayamaya Technology Co., Ltd. (“Applicant”), a Limited Liability Company of China, with a place of business at #317 Blk A, Southern International Plaza, 3rd St., North Shixia Rd., Futian Dist., Shenzhen, Guangdong China, and therefore, hereby opposes such registration of the application pursuant to 15 U.S.C. § 1063. In support of its opposition, Opposer states as follows:

1. Since prior to the filing date of Applicant’s intent to use application for registration of the Opposed Mark, Opposer has continuously and extensively used, in interstate commerce throughout the United States, the Skull design mark pictured below (“Skull Logo”) and the SKULLCANDY Mark, on and in connection with the advertising, promotion, offer and sale of various goods and services, including without limitation headsets, headphones, ear buds, earphones, portable speakers and retail store services (“Opposer’s Goods and Services”).



2. Opposer has invested considerable money, time and effort into the use, advertising, and promotion of the Skull Logo and SKULLCANDY Mark for use in connection with Opposer's Goods and Services. As a result of Opposer's extensive investment in the Skull Logo and SKULLCANDY Mark, Opposer owns strong common law rights in the Skull Logo and SKULLCANDY Mark, embodying very valuable goodwill, and the Skull Logo and SKULLCANDY Mark have become famous in the United States.

3. In addition to its common law rights, Opposer owns, among others, the following federal trademark registrations for the Skull Logo and SKULLCANDY Mark:

Mark	Reg. No.	Reg. Date	Goods
	3,168,754	Nov. 7, 2006	Class 9: Devices for hands-free use of mobile phones; digital audio players; digital phones; earphones; headphones; mp3 players; portable listening devices, namely, mp3 players; portable media players; protective helmets; protective helmets for sports; sports helmets
	4,622,095	Oct. 14, 2014	Class 9: Audio speakers; portable speakers; speaker docks; dock speakers for mobile audio players; headsets for use with computers; audio equipment for use in connection with helmets, namely, speakers, headphones, earphones, and microphones that can be attached to or integrated into a helmet; cases for mobile phones and cell phones
SKULLCANDY	3,168,695	Nov. 7, 2006	Class 9: Devices for hands-free use of mobile phones; Headphones
SKULLCANDY	3,726,304	Dec. 15, 2009	Class 35: Retail store services, kiosks and online

Mark	Reg. No.	Reg. Date	Goods
			retail store services featuring devices for hands-free use of mobile phones, digital audio players, digital phones, earphones, headphones, MP3 players, portable listening devices, namely, MP3 players, portable media players, covers for portable media players, digital phones, earphones, and headphones, protective helmets, sacks or bags, namely, backpacks, messenger bags, all purpose sports and athletic bags, clothing and headwear, namely, t-shirts, sweatshirts, and hats
SKULLCANDY	4,622,094	Oct. 14, 2014	<p>Class 9: Audio speakers; portable speakers; speaker docks; dock speakers for mobile audio players; headsets for use with computers; audio equipment for use in connection with helmets, namely, speakers, headphones, earphones, and microphones that can be attached to or integrated into a helmet; cases for mobile phones and cell phones</p> <p>Class 28: Headsets for use with game consoles and video games; audio and visual headsets for use in playing video games; gaming headsets adapted for use in playing video games</p> <p>Class 42: Custom design of products based on personal selections made by consumers, namely, devices for hands-free use of mobile phones, earphones, headphones, portable speakers, headsets for use with computers, game consoles and video games; custom design of products, namely, devices for hands-free use of mobile phones, earphones, headphones, portable speakers, headsets for use with computers, game consoles and video games based on personal selections made by consumers through the temporary use of a web-based software application</p> <p>(Goods also registered in Class 25 not listed herein)</p>



4. Copies of the certificates of registration for the foregoing registrations are attached as Exhibit A. These federal registrations are valid, subsisting and in full force and effect. Registration Nos. 3,168,754 and 3,168,695 are incontestable pursuant to 15 U.S.C. § 1065, and serve as conclusive evidence of the validity of the registered marks and of Skullcandy's ownership and exclusive right to use the subject marks in commerce in connection with the goods referenced in the registrations.

5. Notwithstanding Opposer's prior rights in and to the Skull Logo and SKULLCANDY Mark, Applicant filed, on August 4, 2015, an application to register the word-plus-design mark below for various audio and related goods in International Class 9.



6. The Opposed Mark is confusingly similar, in appearance, sound, meaning and commercial impression, to Opposer's Skull Logo and SKULLCANDY Mark. The registration and use of the Opposed Mark by Applicant in association with the applied-for goods is likely to cause confusion as to the source or origin of Applicant's goods, and is likely to mislead consumers, all to Opposer's damage.

7. The goods and services that Opposer provides under the Skull Logo and SKULLCANDY Mark, and the goods and services for which its Skull Logo and SKULLCANDY Mark are registered, are identical and, at a minimum, closely related, to the goods listed in Application Serial No. 86/895,456. Upon information and belief, Opposer's Goods and Services and Applicant's applied-for goods are offered to the same, similar or overlapping classes of purchasers.

8. The Opposed Mark, when used in connection with Applicant's applied-for goods, is likely to cause confusion, to cause mistake, and to deceive the trade and public, who, upon seeing the Opposed Mark in connection with Applicant's applied-for goods, would believe that such goods originate with, are approved, sponsored or endorsed by, or have some connection or affiliation with Opposer. Accordingly, registration of the Opposed Mark would damage Opposer, and registration, therefore, should be refused pursuant to Section 2(d) of the Trademark Act.

9. The Opposed Mark, when used in connection with Applicant's applied-for goods, is likely to cause dilution of Opposer's famous Skull Logo and SKULLCANDY Mark, by lessening the capacity of the Skull Logo and SKULLCANDY Mark to identify and distinguish Opposer's Goods and Services and by harming the reputation of the Skull Logo and SKULLCANDY Mark, all to Opposer's detriment. Opposer's Skull Logo and SKULLCANDY Mark were famous prior to the filing date of the subject application. Accordingly, registration of the Opposed Mark should be refused based on a likelihood of dilution by blurring and tarnishment, pursuant to 15 U.S.C. §1125(c).

WHEREFORE, Opposer believes that it will be damaged by registration of the mark which is the subject of United States Trademark Application Serial No. 86/895,456 and therefore, respectfully requests that such registration be refused.

The Director hereby is authorized to charge the filing fee for this Notice of Opposition to  
Deposit Account No. 12-0913.

Respectfully submitted,

SKULLCANDY, INC.

Dated: September 20, 2016

By: /Christopher M. Dolan/  
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Attorneys for Opposer

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing NOTICE OF OPPOSITION and Exhibit A thereto was served on counsel for Applicant at the following address by U.S. mail, postage prepaid on this 20<sup>th</sup> day of September, 2016.

Shenzhen Ayamaya Technology Co., Ltd.  
#317 Blk A, Southern International Plaza  
3rd St., North Shixia Rd., Futian Dist.  
Shenzhen, Guangdong China

\_\_\_\_\_/Christopher M. Dolan/

# EXHIBIT A

# United States of America

United States Patent and Trademark Office



**Reg. No. 3,168,754**

**Registered Nov. 7, 2006**

**Corrected Apr. 8, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

SKULLCANDY, INC. (DELAWARE CORPORATION)

1441 UTE BLVD

SUITE 250

PARK CITY, UT 840987632

FOR: DEVICES FOR HANDS-FREE USE OF MOBILE PHONES; DIGITAL AUDIO PLAYERS; DIGITAL PHONES; EARPHONES; HEADPHONES; MP3 PLAYERS; PORTABLE LISTENING DEVICES, NAMELY, MP3 PLAYERS; PORTABLE MEDIA PLAYERS; PROTECTIVE HELMETS; PROTECTIVE HELMETS FOR SPORTS; SPORTS HELMETS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-12-2003; IN COMMERCE 1-12-2003.

SER. NO. 78-809,362, FILING 2-7-2006.



*Nichelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office



**Reg. No. 4,622,095**

**Registered Oct. 14, 2014**

**Int. Cls.: 9, 25, 28, and 42**

**TRADEMARK**

**SERVICE MARK**

**PRINCIPAL REGISTER**

SKULLCANDY, INC. (DELAWARE CORPORATION)  
1441 W. UTE BLVD, SUITE 250  
PARK CITY, UT 84098

FOR: AUDIO SPEAKERS; PORTABLE SPEAKERS; SPEAKER DOCKS; DOCK SPEAKERS FOR MOBILE AUDIO PLAYERS; HEADSETS FOR USE WITH COMPUTERS; AUDIO EQUIPMENT FOR USE IN CONNECTION WITH HELMETS, NAMELY, SPEAKERS, HEADPHONES, EARPHONES, AND MICROPHONES THAT CAN BE ATTACHED TO OR INTEGRATED INTO A HELMET; CASES FOR MOBILE PHONES AND CELL PHONES. IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-15-2005; IN COMMERCE 4-15-2005.

FOR: CLOTHING, NAMELY, JACKETS; OUTERWEAR, NAMELY, COATS, SWEATSHIRTS; SOCKS; FOOTWEAR. IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2004; IN COMMERCE 1-1-2004.

FOR: HEADSETS FOR USE WITH GAME CONSOLES AND VIDEO GAMES; AUDIO AND VISUAL HEADSETS FOR USE IN PLAYING VIDEO GAMES; GAMING HEADSETS ADAPTED FOR USE IN PLAYING VIDEO GAMES. IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 39).

FIRST USE 9-13-2012; IN COMMERCE 9-13-2012.

FOR: CUSTOM DESIGN OF PRODUCTS BASED ON PERSONAL SELECTIONS MADE BY CONSUMERS, NAMELY, DEVICES FOR HANDS-FREE USE OF MOBILE PHONES, EARPHONES, HEADPHONES, PORTABLE SPEAKERS, HEADSETS FOR USE WITH COMPUTERS, GAME CONSOLES AND VIDEO GAMES; CUSTOM DESIGN OF PRODUCTS, NAMELY, DEVICES FOR HANDS-FREE USE OF MOBILE PHONES, EARPHONES, HEADPHONES, PORTABLE SPEAKERS, HEADSETS FOR USE WITH COMPUTERS, GAME CONSOLES AND VIDEO GAMES BASED ON PERSONAL SELECTIONS MADE BY CONSUMERS THROUGH THE TEMPORARY USE OF A WEB-BASED SOFTWARE APPLICATION. IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-17-2012; IN COMMERCE 9-17-2012.

OWNER OF U.S. REG. NOS. 3,168,754, 3,871,064, AND OTHERS.



*Michelle K. Lee*  
Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,622,095** THE MARK CONSISTS OF A STYLIZED SKULL.

SN 85-982,661, FILED 12-28-2012.

TARAH HARDY, EXAMINING ATTORNEY



# United States of America

United States Patent and Trademark Office

## SKULLCANDY

**Reg. No. 3,168,695**

**Registered Nov. 7, 2006**

**Corrected Apr. 15, 2014**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

SKULLCANDY, INC. (DELAWARE CORPORATION)  
1441 W. UTE BLVD  
SUITE 250  
PARK CITY, UT 84098

FOR: DEVICES FOR HANDS-FREE USE OF MOBILE PHONES; [ DIGITAL AUDIO PLAYERS; DIGITAL PHONES; EARPHONES;] HEADPHONES [; MP3 PLAYERS; PORTABLE LISTENING DEVICES, NAMELY, MP3 PLAYERS; PORTABLE MEDIA PLAYERS; PROTECTIVE HELMETS; PROTECTIVE HELMETS FOR SPORTS; SPORTS HELMETS], IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-12-2003; IN COMMERCE 1-12-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

SER. NO. 78-788,980, FILED 1-10-2006.



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

# SKULLCANDY

**Reg. No. 3,726,304**

**Registered Dec. 15, 2009**

**Corrected Apr. 8, 2014**

**Int. Cl.: 35**

**SERVICE MARK**

**PRINCIPAL REGISTER**

SKULLCANDY, INC. (DELAWARE CORPORATION)  
1441 UTE BLVD  
SUITE 250  
PARK CITY, UT 84098

FOR: RETAIL STORE SERVICES, KIOSKS AND ONLINE RETAIL STORE SERVICES FEATURING DEVICES FOR HANDS-FREE USE OF MOBILE PHONES, DIGITAL AUDIO PLAYERS, DIGITAL PHONES, EARPHONES, HEADPHONES, MP3 PLAYERS, PORTABLE LISTENING DEVICES, NAMELY, MP3 PLAYERS, PORTABLE MEDIA PLAYERS, COVERS FOR PORTABLE MEDIA PLAYERS, DIGITAL PHONES, EARPHONES, AND HEADPHONES, PROTECTIVE HELMETS, PROTECTIVE HELMETS FOR SPORTS, SPORTS HELMETS, WATCHES, SACKS OR BAGS, NAMELY, BACKPACKS, MESSENGER BAGS, ALL PURPOSE SPORTS AND ATHLETIC BAGS, SUNGLASSES, CLOTHING AND HEADWEAR, NAMELY, T-SHIRTS, SWEATSHIRTS, HATS, AND BANDANAS. IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-1-2003; IN COMMERCE 3-1-2003.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,168,695 AND 3,381,050.

SER. NO. 77-534,577, FILED 7-30-2008.



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

# United States of America

United States Patent and Trademark Office

## SKULLCANDY

Reg. No. 4,622,094

Registered Oct. 14, 2014

Int. Cls.: 9, 25, 28, and  
42

TRADEMARK

SERVICE MARK

PRINCIPAL REGISTER

SKULLCANDY, INC. (DELAWARE CORPORATION)  
1441 W. UTE BLVD, SUITE 250  
PARK CITY, UT 84098

FOR: AUDIO SPEAKERS; PORTABLE SPEAKERS; SPEAKER DOCKS; DOCK SPEAKERS FOR MOBILE AUDIO PLAYERS; HEADSETS FOR USE WITH COMPUTERS; AUDIO EQUIPMENT FOR USE IN CONNECTION WITH HELMETS, NAMELY, SPEAKERS, HEADPHONES, EARPHONES, AND MICROPHONES THAT CAN BE ATTACHED TO OR INTEGRATED INTO A HELMET; CASES FOR MOBILE PHONES AND CELL PHONES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 4-15-2005; IN COMMERCE 4-15-2005.

FOR: CLOTHING, NAMELY, JACKETS; OUTERWEAR, NAMELY, COATS, SWEATSHIRTS; SOCKS; FOOTWEAR, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 1-1-2004; IN COMMERCE 1-1-2004.

FOR: HEADSETS FOR USE WITH GAME CONSOLES AND VIDEO GAMES; AUDIO AND VISUAL HEADSETS FOR USE IN PLAYING VIDEO GAMES; GAMING HEADSETS ADAPTED FOR USE IN PLAYING VIDEO GAMES, IN CLASS 28 (U.S. CLS. 22, 23, 38 AND 50).

FIRST USE 9-13-2012; IN COMMERCE 9-13-2012.

FOR: CUSTOM DESIGN OF PRODUCTS BASED ON PERSONAL SELECTIONS MADE BY CONSUMERS, NAMELY, DEVICES FOR HANDS-FREE USE OF MOBILE PHONES, EARPHONES, HEADPHONES, PORTABLE SPEAKERS, HEADSETS FOR USE WITH COMPUTERS, GAME CONSOLES AND VIDEO GAMES; CUSTOM DESIGN OF PRODUCTS, NAMELY, DEVICES FOR HANDS-FREE USE OF MOBILE PHONES, EARPHONES, HEADPHONES, PORTABLE SPEAKERS, HEADSETS FOR USE WITH COMPUTERS, GAME CONSOLES AND VIDEO GAMES BASED ON PERSONAL SELECTIONS MADE BY CONSUMERS THROUGH THE TEMPORARY USE OF A WEB-BASED SOFTWARE APPLICATION, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 9-17-2012; IN COMMERCE 9-17-2012.



*Michelle K. Lee*

Deputy Director of the United States  
Patent and Trademark Office

**Reg. No. 4,622,094** THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 3,168,695, 3,726,304, AND OTHERS.

SN 85-982,660, FILED 12-28-2012.

TARAH HARDY, EXAMINING ATTORNEY